

OUTDOOR ALLIANCE

March 6th, 2023

Rep. Pete Stauber
Chair, Subcommittee on Energy and Mineral Resources
145 Cannon HOB
Washington, DC 20515

Rep. Alexandria Ocasio-Cortez
Ranking Member, Subcommittee on Energy and Mineral Resources
250 Cannon HOB
Washington, DC 20515

RE: Energy and Mineral Resources Subcommittee legislative hearing February 28th 2023

Dear Chair Stauber and Ranking Member Ocasio-Cortez,

On behalf of the human-powered outdoor recreation community, we write to express our community's views on the Permitting for Mine Needs Act (PERMIT-MN Act) and the Transparency and Production of American Energy Act of 2023 (TAP American Energy Act), which were considered during February 28th's Energy and Mineral Resources Subcommittee legislative hearing. While we appreciate the Subcommittee's attention to improving federal permitting processes, we are highly concerned that the changes proposed in these bills would unnecessarily accelerate mining and fossil fuel development in a way that fails to account for other public lands values, including outdoor recreation. As a result, Outdoor Alliance opposes both bills and encourages the Subcommittee to instead explore how reforms can better protect recreation access, a healthy environment, and the \$862 billion outdoor recreation economy.

Outdoor Alliance is a coalition of ten member-based organizations representing the human powered outdoor recreation community. The coalition includes Access Fund, American Canoe Association, American Whitewater, International Mountain Bicycling Association, Winter Wildlands Alliance, The Mountaineers, the American Alpine Club, the Mazamas, Colorado Mountain Club, and Surfrider Foundation and represents the interests of the millions of Americans who climb, paddle, mountain



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bike, backcountry ski and snowshoe, and enjoy coastal recreation on our nation's public lands, waters, and snowscapes.

Our community is highly familiar with the National Environmental Policy Act (NEPA) process, as well as the protections afforded by the Clean Water Act and other environmental laws referenced during February 28th's hearing. Through our advocacy in support of sustainable recreation access on federal public lands and waters, we experience both the invaluable public protections afforded by these laws, as well as the challenges that sometimes accompany permitting new projects. We are also eager to see recent federal investments in clean energy—including those from the Inflation Reduction Act—expeditiously put into action to address the climate crisis.

With these perspectives in mind, we are open to an honest dialogue about how to modernize and improve federal permitting. Unfortunately, the proposals laid out in the PERMIT-MN Act and the TAP American Energy Act would advance fossil fuel and mineral development in a way that would not facilitate informed, science-based decision making, transparency, and robust public input, and would not protect recreation resources on public lands. We encourage the Subcommittee to consider additional perspectives, including from frontline communities, Tribes, scientists, and recreation advocates, as you continue to consider permitting reform.

Our comments on individual bills are provided below.

Permitting for Mine Needs Act (H.R. 209)

The PERMIT-MN Act primarily addresses the permitting process for mining on federal lands. The outdoor recreation community is profoundly affected by mining on federal lands, both through mining proposals that threaten to degrade valuable recreation lands, and through the ongoing impacts of legacy mining pollution. We are highly interested in reforms to mining policy that will help address these impacts while providing regulatory certainty for mine developers and meeting the growing demand for critical minerals.

Unfortunately, instead of striking a necessary balance between mining and other public land values, the PERMIT-MN Act would instead further cement the harmful mining policies of the past two centuries. In particular, we are concerned by Section



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8, which would change longstanding policy under the 1872 Mining Law to allow for validating mining claims before a claimant has proven mineral discovery. We are similarly concerned by other provisions of the bill that would set an arbitrary 120-day limit for communities and tribes to seek judicial review for mining projects (Section 10), allow for exploratory mining without NEPA review (Section 7), and arbitrarily shorten the timeline for environmental reviews for mining projects.

Transparency and Production of American Energy Act of 2023

The discussion draft of the TAP American Energy Act primarily addresses fossil fuel leasing and energy infrastructure on federally-managed lands and waters. This bill would mandate a substantial increase in fossil fuel production and would undo hard fought protections for environmental, cultural, and recreational resources that are affected by energy development. We are highly concerned about provisions of the bill that:

- Undo important fiscal reforms to the oil and gas leasing process established by the Inflation Reduction Act (IRA) that provide a fairer return to taxpayers from energy development.
- Restrict the President and the Interior Secretary's longstanding authority to withdraw federal lands from mining and oil and gas development. Mineral withdrawals can be critical for protecting valuable recreation lands.
- Arbitrarily require the Department of Interior to hold quarterly onshore oil and gas lease sales in every state with oil and gas reserves, as well as offshore lease sales twice per year.
- Codify the 2020 NEPA regulations promulgated by the Council of Environmental Quality under the Trump administration, and otherwise weaken the public input and judicial review process for fossil fuel development projects.

Together, these changes and others proposed in the TAP American Energy Act would make it more difficult for federal agencies to balance fossil fuel development with sustainable recreation access and other uses of public lands and waters.

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Thank you for considering our community's input as you consider legislation to make changes to federal permitting processes. We look forward to working with you to ensure that reforms provide adequate protections for outdoor recreation, local communities, cultural resources, and the environment.

Best regards,



Louis Geltman
Policy Director
Outdoor Alliance

cc: Adam Cramer, Chief Executive Officer, Outdoor Alliance
Chris Winter, Executive Director, Access Fund
Beth Spilman, Executive Director, American Canoe Association
Clinton Begley, Executive Director, American Whitewater
Kent McNeill, CEO, International Mountain Bicycling Association
David Page, Executive Director, Winter Wildlands Alliance
Tom Vogl, Chief Executive Officer, The Mountaineers
Pete Ward, Interim Director, American Alpine Club
Kaleen Deatherage, Interim Executive Director, the Mazamas
Keegan Young, Executive Director, Colorado Mountain Club
Chad Nelsen, Chief Executive Officer, Surfrider Foundation

